

## Memo #18

Date: December 4, 2017

To: Executive/Members

Re: **BMS Training; Lack of Occasional Teacher; More National Day of Remembrance and Action on Violence Against Women Information**

### **BMS Training**

Recently I sent out communication to school SERTs that were scheduled to take part in future BMS training (December 12<sup>th</sup> or 15<sup>th</sup>), and I would like to share that communication with everyone, because some of you will have previously taken the BMS training and I would like you to know the risks associated with that training:

**OECTAs position is that the use of physical restraint on is to be avoided and only exercised as a last resort. Furthermore, while we do not stand idly by when students are at possible risk of serious harm, the use of physical restraint to control a student has a number of concerns:**

1. Any use of physical restraint, requires the use of reasonable force. Unfortunately, what constitutes “reasonable” in this context is very subjective. This determination is not with the teacher, but with the principal or possibly with outside agencies - CAS etc. (Please note, that when a parent calls the school about a case of physical touching, the Board has an obligation to report the incident to CAS, and that may result in an investigation - which would mean the teacher would be assigned to paid duties at home while the investigation takes place. This investigation may take weeks, more recently it has taken months.) Furthermore, the Board may choose to initiate their own investigation after CAS has completed their investigation. The Board's investigation may result in discipline, and possibly reporting to the College of Teachers.

2. Once trained, you may be the person called upon, or the person identified in the Safety Plan, to use your new skills. This adds a level of responsibility and risk to your job.

It is the position of the Association that having received BMS Training in no way implies that SERTs or any other teacher are the “go-to” people when incidents occur. Moreover, there is no additional expectation or added responsibility to utilize physical restraint on students.

3. Finally, the potential for a teacher to be injured while trying to physically restrain a student is a major concern, as this may result in issues regarding LTD and/or WSIB.

This may come across as fear mongering, but from the role I have, I would rather notify teachers of the possible risks in advance, rather than dealing with the consequences after the fact.

The training itself provides some very valuable resources and information, other than the use of physical restraint, but once trained you may be asked to be the teacher called upon when a violent student needs to be restrained.

I have attached an article written by Joe Pece, Department Head of Counselling Member Services at OECTA Provincial, which provides further information.

I have also written a letter to the Superintendent in charge of Special Education – Ab Falconi – expressing OECTA’s position in terms of teachers taking part in BMS Training.

## **Lack of Occasional Teachers**

I have been contacted by a number of teachers concerned about the lack of Occasional Teachers (OTs) and what OECTA is doing to address this issue. This creates situations where there are constant changes to teachers' schedules; SERT and/or non-classroom teachers having to be reassigned; teachers not taking time off for illness because they know the added stress this will cause the school; use of unqualified teachers; disruption of the regular school day, which affects students learning; teacher-on-teacher confrontations due to being absent.

This is a province-wide issue, not just in Simcoe Muskoka, and there are a number of possible reasons for this:

1. The new two-year teacher education course
  - a. This creates a lag in the system, from graduation to being accepted to an Occasional Teachers list
2. Occasional Teachers are on multiple lists, and not just Elementary
  - a. Occasional Teachers need to work, and they have that right.
  - b. The issue is once a job is accepted and then dropped at a later date
    - i. We can't assume why this is happening, nor can we discipline OTs for making this choice. Occasional Teachers are OECTA members as well. The Board would have to use their Management Rights to act upon this. However, by disciplining or suspending an OT only creates less OTs.
3. The recent increase in hiring to permanent status
  - a. This has a domino-effect. Occasional teachers are taken from the LTO roster, and then more OTs are offered LTO positions, which results in less daily Occasional Teachers.
  - b. This has resulted in less than 200 teachers available for LTO and Daily Occasional positions. If you consider that there may be more than 75 LTOs at any given time, that would leave around 125 daily occasional teachers available. Refer back to point 2, and that number of 125 is not exclusive to Simcoe Muskoka, and does not take into consideration illness, and geography – where a particular OT lives in relation to an open position at a school.
4. The Board needs to hire more Occasional Teachers
  - a. The Board does interview for the daily OT list, unfortunately it does not occur often enough – requires principals etc. to offer up their evenings - and the steps that the new hires need to go through take such a long time – from the time of the interview, to being offered the job, to actual working can take months. There are pastoral letters, Police Checks – the Board requires that a new hire complete a Violent Sector Screening, which takes more time.
5. The Board needs to use retired teachers
  - a. The Board has opened up a supplementary list for retired teachers - these teachers would be called after three unsuccessful call-outs from ARCs. (We have had a number of retired teachers working in their former schools or in their communities.)
  - b. This again will take time, as these new hires will need to have a police check, and possibly begin their College of Teachers fee again.
6. The Board is not filling absences in order to save money
  - a. We would have to have proof, in order to act upon this possibility. Without proof, it just a case of a conspiracy theory.
  - b. If we assume that there are 600 unfilled jobs (I am just guessing, I don't have access to this data) so far, and the cost for a day's work by an OT is \$250, that would equal \$150 000.

In the end, this is a big issue, that we have addressed with the Board - and we will continue to address and apply pressure to the Board to ensure there are enough OTs to fill vacancies.

**Further information: National Day of Remembrance and Action on Violence Against Women**

1. Barrie will be holding an event on December 6<sup>th</sup> – City Hall Rotunda from 6pm to 8pm.
2. Canadian Labour of Congress developed a partnership with the producers of the documentary film *A Better Man* (<https://abettermanfilm.com/>) which portrays a series of conversations between a survivor of domestic violence and her former abuser. It is a powerful film to intended to provoke conversations about accountability, healing and the possibility of restorative justice. A companion piece is called #ItWasMe (<https://itwasme.abettermanfilm.com>) features the voices of men who are taking responsibility for their violence responding to questions posed by survivors.

These resources are not intended for use with students, but rather a launching point for a broader conversation about domestic violence and how individuals, unions and workplaces can act to break the silence and end the cycle of violence.

**If you have any concerns, please contact the Unit office at 705-733-9625 or 1 800 558 4815  
Thank you for sharing this information with OECTA members.**